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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ATSUSHI MATSUTANI : EXAMINER: ROBINSON, G.
SERIAL NO: 10/586,922 :
FILED: JULY 24, 2006 : GROUP ART UNIT: 2169
FOR: PROGRAM SEARCH DEVICE :

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a reply to the Examiner's Answer dated February 2, 2011. This Reply Brief addresses the assertions made in the Examiner's Answer with respect to the original grounds of rejection.

Again, it is respectfully noted that well settled case law holds that "A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Emphasis added.) See also MPEP §2131. It is respectfully submitted that Kanemitsu does not describe each and every element of any of the independent claims *as set forth in claim*, as described below.

With regard to the feature "said detector configured to *generate a ranking of said broadcast programs* in a descending order of a higher appearance frequency of said keyword as a search result, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program" as recited in Claim 1, the Examiner's

Answer cites column 2, lines 46-58 of Kanemitsu as describing this feature. This portion of Kanemitsu describes that a user can input his or her selection of a *topic*, and a display priority degree is changed according to the number of times the *topic* is selected by the user. This portion does not describe ranking *broadcast programs* based on how often a keyword appears in each broadcast program, it only describes ranking *topics* based on how often eight user selects that topic. Therefore, Kanemitsu clearly does not describe “said detector configured to *generate a ranking of said broadcast programs* in a descending order of a higher appearance frequency of said keyword as a search result, *the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program*” as set forth in Claim 1, as required for a proper anticipation rejection.

The Examiner’s Answer also cites column 8, lines 35-55, column 9, lines 59-67, and column 10, lines 10-40 of Kanemitsu. All of these portions of Kanemitsu describe ranking *topics* based on user selection of those topics, not ranking *broadcast programs* based on how often a keyword appears in each broadcast program. In particular, Figure 21 of Kanemitsu shows a list of possible topics and their ranking based on user selections. Accordingly, none of these portions describe the above quoted feature of Claim 1.

The Examiner’s Answer also cites column 3, lines 43-55 of Kanemitsu with regard to this feature. This portion of Kanemitsu describes that when a search is done based on a particular keyword, that keyword is stored in a memory to allow the user to select the stored keyword in a later search. For example, Figure 16 of Kanemitsu shows a list of keywords that were previously used to search that a user can select for a new search. In contrast, Figure 18 of Kanemitsu shows a search results in which “song title” results are prioritized because “song title” is the topic having the highest priority ranking. Kanemitsu does *not* describe that the songs “AAAA,” “BBBB,” “CCCC,” and “DDDD” are listed in order of how often a keyword is included in these songs. Accordingly, no part of Kanemitsu describes “said

detector configured to *generate a ranking of said broadcast programs* in a descending order of *a higher appearance frequency of said keyword* as a search result, the detector configured to *generate the ranking based on a number of times the keyword appears in each broadcast program*" as recited in Claim 1.

Therefore, independent Claims 1, 7, and 10-13 are believed to define over Kanemitsu for at least the reasons discussed herein and in the Appeal Brief.

In addition, with regard to dependent Claims 14 and 15, it is respectfully submitted that the portions of Kanemitsu previously cited in the final Office Action do not teach or suggest the features of these claims as described in the Appeal Brief, and no further explanation was provided in the Examiner's Answer. Accordingly, it is respectfully submitted that Claims 14 and 15 further patentably define over Kanemitsu.

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

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